

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Dominique Elise Bergeron,

Case No. 23-cv-3281 (SRN/DJF)

Plaintiff,

v.

ORDER

Accra Care, Inc.,

Defendant.

This matter is before the Court on Plaintiff’s Motion to Amend Complaint (“Motion to Amend”) (ECF No. 15). Because Plaintiff filed her Motion to Amend on November 22, 2023—21 days after Defendant filed its Motion to Dismiss (ECF No. 5)—and she has not filed any previous amendment, Plaintiff was entitled to amend her complaint as a matter of course. *See* Fed. R. Civ. P. 15(a)(1)(B) (permitting a plaintiff to file an amended complaint as a matter of course within 21 days of after service of a motion under Fed. R. Civ. P. 12(b)). Since Plaintiff did not actually file her amended complaint along with her motion on that date, however, she is now outside the 21-day window for amendment without motion to the Court. Plaintiff is a pro se litigant, however, and the Court will grant her some latitude for that reason, *provided that* she files her amended complaint on or before **December 11, 2023**. When Plaintiff files her amended complaint, she must fully comply with Local Rule 15.1(a), which states that any amended pleading “must be complete in itself and must not incorporate by reference any prior pleading.” In other words, once Plaintiff files her amended complaint, that document will become the operative pleading in this case and all previous pleadings filed will be disregarded.

ORDER

Based on the foregoing, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion to Amend Complaint [15] is **GRANTED**; and
2. Plaintiff must file a complete Amended Complaint by **December 11, 2023**.

Dated: November 27, 2023

s/ Dulce J. Foster

Dulce J. Foster

United States Magistrate Judge